

P22036.A12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Dany PRIETO

Confirmation No. 3419

App. No. : 10/069,614

Group Art Unit: 3727

Filed : September 10, 2002

Examiner: H. A. Grosso

For : THE DEVICE FIXING IN A CONTAINER SUCH AS A METAL CAN
DEVICE AUTOMATICALLY EXTRACTING THE STRAW AND ITS
ASSOCIATED DEVICE

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT OR ALTERNATIVELY TO
REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop _____
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

On August 26, 2006 Applicant timely filed a Request for Continued Examination (RCE) in response to the non-final Office Action dated February 27, 2006 along with a three month extension of time and an Information Disclosure Statement. No response was filed to the non-final Office Action.

In response, Applicant received notice from the USPTO that the RCE was improperly filed because it was not filed after prosecution was closed of after final rejection.

Accordingly, as the instant application became unintentionally and technically abandoned for failure to file a response by the inextendable due date of August 28,

2006

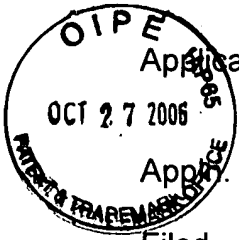
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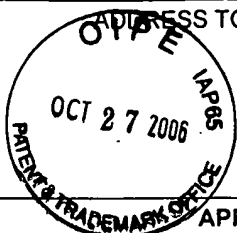
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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new non-provisional applications under 37 CFR 1.53(b))		Attorney Docket No. P30729	Total Pages 1
		Inventor(s) or Application Identifier: Dany PRIETO	
		Title: DEVICE FOR FIXING IN A CONTAINER SUCH AS A METAL CAN A DEVICE AUTOMATICALLY EXTRACTING THE STRAW AND ITS ASSOCIATED DEVICE	



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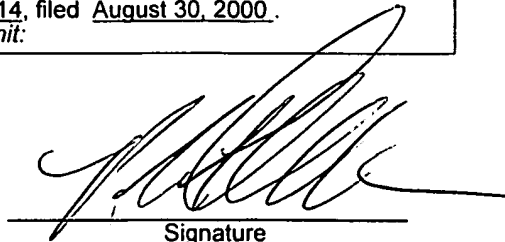
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APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (Submit an original, and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27 a. <input type="checkbox"/> Small Entity Statement(s) 3. <input checked="" type="checkbox"/> Specification [Total Pages: <u>15</u>] (preferred arrangement set forth below) - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets: <u>10</u>] 5. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages: <u>3</u>] a. <input type="checkbox"/> Newly executed (original or copy) <input type="checkbox"/> Unexecuted b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 21 completed) [Note Box 6 below] i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 5b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. 7. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 8. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies 10. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 11. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney 12. <input type="checkbox"/> English Translation Document (if applicable) 13. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 14. <input type="checkbox"/> Preliminary Amendment 15. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 16. <input checked="" type="checkbox"/> Figure of Drawing to be published: <u>6</u> 17. <input checked="" type="checkbox"/> Foreign priority claimed a. <input checked="" type="checkbox"/> Claim of Priority b. <input type="checkbox"/> Certified Copy of Priority Document(s) 18. <input type="checkbox"/> Non-publication Request under 35 USC 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 19. <input type="checkbox"/> Assignee: 20. <input checked="" type="checkbox"/> Other: <u>Petition to Withdraw Holding of Abandonment or Alternatively to Revive Abandoned Application under 37 CFR 1.137(b) (copy from parent)</u>
21. If a CONTINUING APPLICATION , check appropriate box and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76: <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior Application No. <u>10/069,614</u> , filed <u>August 30, 2000</u> . Prior application information: Examiner: <u>Group Art Unit:</u>	

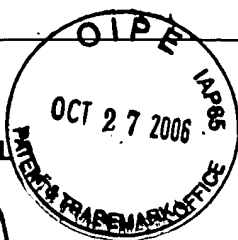
Address all future correspondence to Customer No. 07055 at the present address of:

GREENBLUM & BERNSTEIN, P.L.C.
 1950 Roland Clarke Place
 Reston, VA 20191
 (703) 716-1191

Oct 27, 2006
 Date


 Signature

Neil F. Greenblum, Reg. No. 28,394
 Typed or Printed Name
Robert W. Mueller
 Reg. No. 35,043



FEE TRANSFER

OCT 27 2006

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1. <input checked="" type="checkbox"/> The U.S. Patent and Trademark Office is hereby authorized to charged indicated fees and credit any overpayments to: Deposit Account No.: <u>19-0089</u> Deposit Account Name: <u>GREENBLUM & BERNSTEIN, P.L.C.</u> <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136(a)(3)) <input type="checkbox"/> Charge the Issue Fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, 37 CFR 1.311 (b) <input checked="" type="checkbox"/> Applicant claims Small Entity Status, See 37 CFR 1.27				4. APPLICATION SIZE FEE <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Small Fee Code</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1081</td> <td>250 2081</td> <td>125 Utility application size fee – for each additional 50 sheets over 100 sheets</td> <td></td> </tr> <tr> <td>1082</td> <td>250 2082</td> <td>125 Design application size fee – for each additional 50 sheets over 100 sheets</td> <td></td> </tr> <tr> <td>1085</td> <td>250 2085</td> <td>125 Provisional application size fee – for each additional 50 sheets over 100 sheets</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (4)</td> <td>(\$) 0.00</td> </tr> </tbody> </table>		Large Fee Code	Small Fee Code	Fee Description	Fee Paid	1081	250 2081	125 Utility application size fee – for each additional 50 sheets over 100 sheets		1082	250 2082	125 Design application size fee – for each additional 50 sheets over 100 sheets		1085	250 2085	125 Provisional application size fee – for each additional 50 sheets over 100 sheets		SUBTOTAL (4)			(\$) 0.00																																																																																																																																																																																												
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1402	500 2402	250 Filing a brief in support of an appeal																																																																																																																																																																																																																			
1403	1000 2403	500 Request for oral hearing																																																																																																																																																																																																																			
1451	1,510 1451	1,510 Petition to institute a public use proceeding																																																																																																																																																																																																																			
1452	500 2452	250 Petition to revive unavoidably abandoned application																																																																																																																																																																																																																			
1453	1,500 2453	750 Petition to revive unintentionally abandoned application																																																																																																																																																																																																																			
1501	1,400 2501	700 Utility issue fee (or reissue)																																																																																																																																																																																																																			
1502	800 2502	400 Design issue fee																																																																																																																																																																																																																			
1503	1100 2503	550 Plant issue fee																																																																																																																																																																																																																			
1460	130 1460	130 Petitions to the Commissioner																																																																																																																																																																																																																			
1807	50 1807	50 Petitions related to provisional applications																																																																																																																																																																																																																			
1806	180 1806	180 Submission of IDS																																																																																																																																																																																																																			
8021	40 8021	40 Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																			
1802	900 1802	900 Request for expedited examination of a design application																																																																																																																																																																																																																			
Other fee (specify):																																																																																																																																																																																																																					
SUBTOTAL (5)			(\$) 0.00																																																																																																																																																																																																																		
SUBMITTED BY <u>Robert W. Mueller</u> Typed or Printed Name <u>Neil F. Greenblum</u> Signature <u>[Signature]</u> Date <u>10/27/06</u>				Complete (if applicable) Reg. No. <u>35,043</u> Reg. Number <u>28,394</u> Deposit Account User ID																																																																																																																																																																																																																	